

APR 17 2006

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS**

FOR THE NINTH CIRCUIT

FRANKLIN R. MILLS,

Plaintiff - Appellant,

v.

CITY OF REDDING; et al.,

Defendants - Appellees.

No. 05-16951

D.C. No. CV-05-00931-
MCE/GGH

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of California
Morrison C. England, District Judge, Presiding

Submitted April 13, 2006**

Before: SILVERMAN, McKEOWN, and PAEZ, Circuit Judges.

Franklin R. Mills appeals pro se from the district court's judgment
dismissing his action as frivolous under Federal Rule of Civil Procedure 12(b)(6).

* This disposition is not appropriate for publication and may not be
cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

** The panel unanimously finds this case suitable for decision without
oral argument. *See* Fed. R. App. P. 34(a)(2).

We have jurisdiction pursuant to 28 U.S.C. § 1291. We review de novo, *Zimmerman v. City of Oakland*, 255 F.3d 734, 737 (9th Cir. 2001), and we affirm.

The district court properly dismissed Mills’s action alleging Shasta County Superior Court lacks jurisdiction over him because it is a legislatively-created tribunal. *See Balistreri v. Pacifica Police Dep’t*, 901 F.2d 696, 699 (9th Cir. 1990) (dismissal may be based on lack of cognizable legal theories).

Mills’s remaining contentions lack merit.

AFFIRMED.